

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Robert Eugene Mitchell, Jr.,	)	
#1067195800909,	)	
	)	Civil Action No. 8:16-3709-TMC
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
Nancy Devine, Nikki Lyndsy,	)	
Chelesy L. Moore, and William E. Phillips,	)	
	)	
Defendants	)	
	)	

Plaintiff, a pretrial detainee proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983 alleging a constitutional violation and a state law claim. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that Plaintiff's complaint be dismissed without prejudice and without issuance and service of process. (ECF No. 10). Plaintiff was advised of his right to file objections to the Report. (ECF No. 10 at 10). However, Plaintiff filed no objections to the Report, but did file a motion requesting copies of all the documents he has filed with the court and stating that he agrees to a summary dismissal. (ECF No. 14).

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond*

*v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report (ECF No. 10) and incorporates it herein. It is therefore **ORDERED** that Plaintiff's action is **DISMISSED** without prejudice and without issuance and service of process. Plaintiff's motion for copies (ECF No. 14) is **DENIED**. The Clerk of Court is directed to send Plaintiff a copy of the court's Copy Policy along with this Order.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

February 10, 2017  
Anderson, South Carolina

#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.